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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/824,951	04/15/2004	Robert Andre Dunand	0208928.0002	7452
26574	7590	11/21/2006	EXAMINER	
SCHIFF HARDIN, LLP PATENT DEPARTMENT 6600 SEARS TOWER CHICAGO, IL 60606-6473			HOLLOWAY III, EDWIN C	
			ART UNIT	PAPER NUMBER
			2612	

DATE MAILED: 11/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/824,951

Applicant(s)

DUNAND, ROBERT ANDRE

Examiner

Edwin C. Holloway, III

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 September 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 59-79 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 59-79 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892) ✓
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08) ✓  
Paper No(s)/Mail Date \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

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***EXAMINER'S RESPONSE***

1. In response to applicant's amendment filed 8-8-06 and 9-20-06, all the amendments to the specification and claims have been entered. The examiner has considered the new presentation of claims and applicant's arguments in view of the disclosure and the present state of the prior art. And it is the examiner's opinion that the claims are unpatentable for the reasons set forth in this Office action:

***Claim Rejections - 35 USC § 102 & 103***

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 59-60 and 77-78 are rejected under 35 U.S.C. 102(b) as being anticipated by Gabbard '217 (US006411217B1).

Regarding claims 59-60, Gabbard '217 discloses a vehicle disabling system with wave coded signal transmitter secured by biometrics input. See the abstract and col. 3. Regarding claims 77-78, Gabbard '217 discloses recording of transmit usage to assure proper and appropriate operator use. See the abstract and col. 3 and 5.

4. Claims 59-60 are rejected under 35 U.S.C. 102(e) as being

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anticipated by Ligoci (US006873246B1)

Ligoci discloses a vehicle disabling system with wave coded signal transmitter secured by biometrics input such as fingerprint or retina. See col. 6.

5. Claims 61-62, 76-78 are rejected under 35 U.S.C. 102(b) as being anticipated by Martens (US 6411887B1).

Martens discloses a method and apparatus for remotely controlling motor vehicle including a remote device 20 transmitting a wave coded signal to vehicles within activation range (360 degree radius) and receiver 10 responding to the signal to reduce speed of and/or stop the vehicle. See col. 4 lines 31-61 and col. 6 lines 34-41.

Regarding claims 61-62, the PIN in col. 14 lines 9-20 and 40-45 is considered to be a password in view of col. 5 line 50 referring to a password stored in memory 23 of the control unit.

Regarding claim 76, although Martens discloses targeting a limited number of vehicles, Martens also discloses that all vehicles in range may be controlled to flash/slow/stop. See col. 13 lines 1-13.

Regarding claims 77-78, all PCEL control unit activity is recorded to a file in col. 14 lines 27-30. Transmitting is a PCEL control unit activity.

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6. Claims 63-64 are rejected under 35 U.S.C. 103(a) as being unpatentable over Martens (US 6411887B1) as applied above in view of Ligoci (US006873246B1).

Martens discloses the transmitter secured by disc reader, cartridge slot, PIN input on keypad or by other means in cols. 13-14.

Ligoci discloses a vehicle disabling system with wave coded signal transmitter secured by PIN, swipe card or biometrics input such as fingerprint or retina. See col. 6.

Regarding claims 63-64, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have include magnetic strip card input in the invention of Martens in view of the swipe card input of Ligoci because Martens teaches that other security inputs may be used, Ligoci teaches swipe card as an alternative or addition to PIN and because the examiner takes official notice that magnetic strip/stripe cards, such as credit cards, are well known in the art as typical swipe cards.

7. Claims 61-64 are rejected under 35 U.S.C. 103(a) as being unpatentable over Martens (US 6411887B1) as applied above in view of Ligoci (US006873246B1).

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Martens discloses the transmitter secured by disc reader, cartridge slot, PIN input on keypad or by other means in cols. 13-14.

Sutton discloses a vehicle disabling system with wave coded signal transmitter secured by ID number or password input by coded card or keyboard. See cols. 6-7.

Regarding claims 61-62, if password security is not clear in Martens, then it would have been obvious to one of ordinary skill in the art at the time the invention was made to have include password input in the invention of Martens in view of the password input of Ligoci because Martens teaches that other security inputs may be used and because Ligoci discloses password and ID number as equivalent alternatives..

Regarding claims 63-64, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have include magnetic strip card input in the invention of Martens in view of the coded card input of Ligoci because Martens teaches that other security inputs may be used, Ligoci teaches coded code as an equivalent to keyboard input of ID and because the examiner takes official notice that magnetic strip/stripe cards, such as credit cards, are well known in the art as typical coded cards.

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8. Claims 65-75 are rejected under 35 U.S.C. 103(a) as being unpatentable over Martens (US 6411887B1) as applied above in view of Murphy (US006225890B1).

Murphy discloses an analogous art vehicle disabling/slowing system with vehicle control actions in response to detecting loss of signals due to potential natural interference (noise) or intentional interference (jamming). The control can include slowing or stopping the vehicle. See cols. 4-5. Control actions can be avoided by the vehicle operator performing an action such as entering biometric, keypad, token or other ID. The ID only temporarily delays action because it must be entered periodically.

Regarding claim 65-73, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included in Murphy the reducing speed in response to potentially interfering emissions would have been obvious in view of the response to natural/intentional interference of Murphy to restrict driving to permitted criteria. The blinking of claims 70-71 would have been obvious in view of the flashing of Martens and visual alarm of Murphy.

Regarding claims 74-75, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included in Murphy the temporary delay view of the ID

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input of Murphy and suggested by the PIN input of Martens to allow authorized driving. Note that police car of Martens also includes a disabling unit 10/50 that is temporarily disabled by the PIN in col. 14. Alternatively, the control signal may

9. Claims 77-78 are rejected under 35 U.S.C. 103(a) as being unpatentable over Martens (US 6411887B1) in view of Gabbard '217 (US006411217B1).

Gabbard '217 discloses a vehicle disabling system with wave coded signal transmitter and recording of transmit usage to assure proper and appropriate operator use. See the abstract and col. 3 and 5.

If recording transmitting is not clear in Martens, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included in Martens recording transmitting in view of Gabbard '217 disclosing recording of transmit usage to assure proper and appropriate operator use.

10. Claims 79 is rejected under 35 U.S.C. 103(a) as being unpatentable over Martens (US 6411887B1) in view of Wanka (US 4596988).

Martens discloses a remote vehicle disabling system/method



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as discussed above that includes a cartridge 100 operating as a portable unit to control base 20 to transmit a signal to disable vehicle speed in col. 13 lines 60-67 and col. 15 lines 1-9.

Further, the control units 20/60 may receive control signals from a central computer to control operations in col. 13 lines 50-59. A signal to deactivate the transmitter is not expressly disclosed, but suggested by the on/off switch 42 and periodic transmitting of stop command in col. 8 lines 48-56. Periodic transmitting assures that the vehicle remains disable. When disabling is no longer desired, such as at reset, obviously the transmitter will cease sending the stop command.

Wanka discloses an analogous art vehicle antitheft remote control system sending remote control commands to activate and deactivate a transmitter. See col. 2 lines 35-46 and col. 3 lines 35-48. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have included in Martens a signal to deactivate the transmitter as disclosed in Wanka to turn off the transmitter when transmitting is no longer desired.

#### ***Response to Arguments***

11. Applicant's arguments filed 9-20-06 and 8-8-06 have been fully considered but they are not persuasive and/or are moot in view of the new ground(s) of rejection.

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Martens includes password, control all vehicles and record activities for reasons stated in the rejections.

The new rejections were necessitated by applicant's amendments.

### ***Conclusion***

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

### ***CONTACT INFORMATION***

Information regarding the status of an application may be

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obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact an Electronic Business Center (EBC) representatives at 571-272-4100 or toll free at 1-866-217-9197 between the hours of 6 a.m. and midnight Monday through Friday EST, or by e-mail at [ebc@uspto.gov](mailto:ebc@uspto.gov). The Patent EBC is a complete customer service center that supports all Patent e-business products and service applications. Additional information is available on the Patent EBC Web site at <http://www.uspto.gov/ebc/index.html>.

Any inquiry of a general nature should be directed to the Technology Center 2600 receptionist at (571) 272-2600. Facsimile submissions may be sent via central fax number 571-273-8300 to customer service for entry by technical support staff. Questions related to the operation of the facsimile system should be directed to the Electronic Business Center.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edwin C. Holloway, III whose telephone number is (571) 272-3058. The examiner can normally be reached on M-F (8:30-5:00). If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber can be reached on (571) 272-7308.

EH  
11/19/06

  
EDWIN C. HOLLOWAY, III  
PRIMARY EXAMINER  
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